

***APPROVED MINUTES*** of the Regular  
Meeting of the City Council of the City of Rye held  
in City Hall on February 26, 2020, at 7:30 P.M.

**PRESENT:**

SARA GODDARD  
CAROLINA JOHNSON  
RICHARD MECCA  
JULIE SOUZA  
BENJAMIN STACKS  
PAMELA TARLOW  
Councilmembers

**ABSENT:**

JOSH COHN, Mayor

The Council convened at 6:30 P.M. Councilman Mecca made a motion, seconded by Councilwoman Souza, to enter into executive session to discuss litigation and personnel matters. At 7:32 P.M., Councilman Mecca made a motion, seconded by Councilwoman Souza, to exit executive session and commence the regular meeting of the City Council. The meeting began at 7:39 P.M.

1. Pledge of Allegiance.

Deputy Mayor Mecca called the meeting to order and invited the Council to join in the Pledge of Allegiance.

2. Roll Call.

Deputy Mayor Mecca asked the City Clerk to call the roll; a quorum was present to conduct official City business.

3. Draft unapproved minutes of the Regular Meeting of the City Council held February 5, 2020.

Councilwoman Tarlow made a motion, seconded by Councilwoman Souza and unanimously carried, to approve the minutes of the Regular Meeting of the City Council held February 5, 2020.

4. General Announcements

Councilwoman Souza announced that she attended a community solar symposium with Councilman Mecca and Councilwoman Goddard. She said she was so excited to be considering potential locations for solar implementations in the city, as well as thinking about future development that happens. She said that perhaps the school might consider solar panel installations with their plans for improvements. Councilwoman Souza also announced that Rye

Recreation Camp registration for Kiddy Camp was open and over-enrolled. The other camp registrations will open in March 2020.

Councilwoman Goddard commented on the community solar presentation. She said another aspect worth noting was the discounts that subscribers received on their utility bills. She said that those installing solar panels can take advantage of the tax credits by realizing this discount. Councilwoman Goddard said that Sustainable Westchester and Rye Sustainability would hopefully be working together in the near future to host a presentation for the public to learn more about community solar. In the meantime, residents can find out more information at [westchesterpower.org/communitysolar](http://westchesterpower.org/communitysolar).

Councilwoman Tarlow asked for a moment of silence for Ms. Cecelia Kussner, who had perished in the tragic fire on Midland Avenue earlier in the week. She remarked that the Fire Department operated in a superior way. There was a moment of silence observed in memory of Ms. Kussner. Councilwoman Tarlow also invited the community to participate in any and all upcoming meetings. She stated that members of the community were welcome to reach out directly to councilmembers to provide thoughts.

Councilman Mecca announced that there had been a major fire earlier in the week on Midland Avenue. He said that it was a very sad event when a resident perishes in a fire, no matter how hard the efforts were. He thanked the Police and Fire Departments, who did as good a job as can be expected with the conditions that they faced. Councilman Mecca explained the process that goes into an emergency fire call. He said that when Rye faces a structure fire, it engages all of our apparatus and all of our firefighters. At that point in time, 60-Control will be called, a County program in which other available communities show up to assist. The communities that came to aid in this particular fire were Larchmont, and the Town of Mamaroneck, who sent a FAST team (firefighters that stand by at any structure fire). He said that no matter how hard we plan, fatalities can occur. The one theme in all three of these recent fires were lack of smoke alarms in the residences. While there is a law requiring the presence of these alarms, enforcement is very difficult. The reliance is on residents to be aware and educated. Councilman Mecca welcomed the community to contact the Fire Department with questions.

Councilman Mecca announced that on Thursday, February 27, 2020, there would be a City Council Work Session on Nursery Field. This open meeting would allow the public to attend and listen to staff and consultant presentations. Public comment on the matter would be taken on Saturday, February 29, 2020 at the Nursery Field Public Workshop. Councilman Mecca also recapped the recent Planning Commission meeting, at which time the Rye YMCA site plan was approved. He recounted the history of the project, which included the City Council amending the zoning last year to include physical fitness facilities in the zones requested. Prior to amending the zoning law, the Council considered the request and deferred to the Planning Commission for recommendations on the change. The zone change was approved and the site was then presented to the Planning Commission. The site plan hearings included exhaustive traffic studies and parking studies. With the site plan now approved, the applicant will need to go to the City building department for process and permitting. Councilman Mecca also commented on an application that came in for the former Wells Fargo building on Purdy Avenue, where the new owners want to repurpose the building to three stories, with the top two stories being apartments.

They plan on installing a grass/ green roof. Councilman Mecca commented that it was good to see that some developers recognize the importance of green building.

5. Residents may be heard on matters for Council consideration that do not appear on the Agenda.

Jane Heap, 1 Platt Lane, addressed the Council. She said that she represented Row America and asked for clarity on the management issues at the Boat Basin. She said that the group had felt good about how it had been run, and without management, there are safety concerns.

City Manager Usry commented that Mr. Hogben was currently on administrative leave, and that he was keenly aware of the needs at the marina. He reported that he met with Row American representatives several weeks prior. Unfortunately, as this dealt with a personnel issue, Mr. Usry could not comment further on the position, but that the City was working diligently to resolve any outstanding issues and provide adequate management at the Boat Basin. On the administrative end, Golf Club Manager Jim Buonaiuto has taken over those processes for the time being.

Gretchen Kaye-Crowley, 20 Island Drive, addressed the Council. She announced several upcoming events: three beach cleanup days at Rye Town Park beach. They will be held Saturday, February 29, 2020 from 9:00 to 11:00am, March 28, 2020 from 9:00 to 11:00am, and April 18, 2020 at a time to be determined. Gloves and buckets would be provided. The event on April 18<sup>th</sup> would be co-hosted by Rye Country Day School, with registration information forthcoming.

6. Discussion of Change in Recycling Pickup Schedule regarding paper, plastic, and glass materials.

City Manager Usry stated that in a continuation of our desire to review city operations to look at efficiencies, man power, and financial implications, the recommendation is to consider a change in the recycling schedule. To clarify, this does not change the level of service, but changes the schedule for pickup for operational benefits.

DPW Superintendent Coyne said that, several years ago, the Council began discussions about the need for new garbage trucks. As the City has purchased these and operations are studied, an adjustment to the recycling pickup schedule needs to be rolled out in order to keep staffing levels the same, and to prevent the purchase of an additional vehicle. Paper would be collected on the first day that garbage is collected, and glass, plastic and cans would be collected on the second day of the week of trash collection.

Councilwoman Souza questioned the necessity of the change. Superintendent Coyne responded that from an operational standpoint, the change in schedule would prevent the hiring of additional staff and the replacement of a truck.

City Manager Usry further explained that the change in the schedule prevents the City from spending an additional \$300,000.

Councilman Mecca explained that it was not possible with a single body truck to commingle the recycling.

City Manager Usry reiterated that there is no change in service.

Councilwoman Goddard said that renewals for the Food Scrap Recycling program start March 1. She asked when the notices would be send out to residents.

Superintendent Coyne responded that the notices would go out prior to March 1. He reported that they would be rolling out an online credit card system for those supplies and regular recycling bins.

Councilwoman Souza asked if the Council could hold a public hearing on this.

Councilman Mecca responded that the Council is not being asked to make a decision. The staff was updating and informing on the change.

Councilwoman Tarlow asked how the collection would work. Superintendent Coyne discussed the separation of the recyclable materials.

Councilwoman Goddard asked about cost savings. Superintendent Coyne responded that approximately \$300,000 would be saved, as the City would not need to purchase a replacement truck. It would also mean not needing to hire two new employees.

Councilwoman Tarlow asked about the marketing that would go into the change. Superintendent Coyne responded that website information, email blasts, newspaper notices, app alerts and mailings were in the works for the resident education marketing on the change.

Councilman Stacks asked if the energy was clean with regard to the trucks. Councilwoman Goddard responded that there are requirements that these trucks needed to operate with certain clean standards.

City Manager Usry commented that when the new trucks were being looked at, the determination was to not change service. This does not change service.

Patti Capparelli, Rye Sustainability Chair, addressed the Council. She said she appreciated that the City Manager and DPW Superintendent were working hard to consider positive changes. She said that the Sustainability committee was happy to help spread the word about this type of change in the community. Ms. Capparelli said that she was there to plug for the Food Scrap Recycling program. She reported that 220 families are still on the wait list for curbside pickup. She also encouraged councilmembers to participate in food scrap recycling.

Councilwoman Goddard reported that the County came out with the Food Scrap Recycling study results, and one of the big announcements is that the transportation costs will now be the responsibility of the County in the next few months. She said it was worth considering expanding a program that is successful with 220 households.

Councilwoman Tarlow stated that she would like to see the Food Scrap Recycling program on the agenda to potentially expand to the 220 families on the waitlist for curbside pickup.

Councilman Stacks asked if the test was up in October for the program, to have adequate data.

Councilwoman Goddard said it is not a test, but a year-to-year permanent program. She said that the Council can reassess in a year's time, which would be in line with the County transportation cost analysis, which would be realized in 7-8 months.

Councilwoman Souza said that when they have all of that data after a year that will be the right time to reassess.

Councilwoman Goddard commented that Food Scrap Recycling has the potential to limit the number of garbage pickup days in the future.

7. Further consideration of new welcome signs and potential renewal by residents of existing athletic achievement signs.

Councilman Mecca said that the Council has been asked to opine on the issue of the welcome signs as people drive into the City, as requested by the Landmarks Advisory Committee. This specific agenda item also seeks to discuss and consider residents' opinions on the current athletic achievement signs.

Jerome Coleman, 2 Hidden Spring Lane, and Chair of the Landmarks Advisory Committee, addressed the Council. He recalled that in November and December of 2019, the committee presented a potential prototype sign to replace the current athletic achievement signs. The goal of the signs is to signify the historic significance of Rye.

Councilman Mecca asked how many entry points there were to the City.

Mr. Coleman responded that there are 13. He also stated that the historic signs would be replacing the athletic achievement signs about Rye winning state championships in school sports. Mr. Coleman stated that in the opinion of the committee, the athletic achievements signs do not reflect the historic nature of Rye.

Steve Feeney, 54 Hughes Avenue, addressed the Council. He identified himself as a longtime resident of Rye, and a 1965 Rye High School graduate, and Cofounder of the Alumni and Friends of Rye High School. Mr. Feeney stated that he spent 15 years on the Board of Education, with four years as president. He thanked the Council for the opportunity to speak and for Mr. Coleman for inviting him to the Landmarks Advisory Committee meeting. Mr. Feeney gave some history about the current signage. He said that prior to 2005, there were welcome signs with the ship logo that had fallen into disrepair. Around that time, there were a string of state championships at the sports level. Mr. Feeney stated that he worked with the City

to create the new athletic achievement signs, at no cost to the taxpayers of Rye. Mr. Feeney stated that as City-owned property, this is not a situation where the organization stakes any claim. Mr. Feeney said that the poles and stations are City property and the City can do whatever it chooses to do and whatever type signs it wishes to put on the existing sign polls. He said that he believed that the athletic events were community events. He said that his group took no exception to the landmark signs. Mr. Feeney stated that he was there to propose a win-win proposition. He encouraged the Council to accept and adopt the historic landmark welcome signs as proposed. He said that he would like to offer that the athletic achievement signs be renewed at no taxpayer expense and installed at separate poles within 20 yards, or whatever distance the City deems appropriate. He said that at least three Recreation Commission members were in favor of this idea, as well as former City Council members. Lastly, he said that these signs have already been part of the streetscape for 15 years.

Councilman Mecca confirmed that the group was not opposed to yielding the City signs, to which Mr. Feeney responded that they are the property of the City. Councilman Mecca thanked Mr. Feeney for the group's tremendous efforts.

City Manager Usry stated that any action that the City Council wants to take in this case can be done in consideration of the rules and regulations with a particular highway. Councilman Mecca added that signage would meet DOT standards.

Councilwoman Goddard and others had some general discussion about placement of the signs.

Councilman Stacks stated that sports are a part of the fabric of the community, but it might be troublesome to decipher what is most important; he used the example of showcasing signage about national merit scholars.

Maurio Sax, Landmarks Advisory Committee, 39 Sonn Drive, addressed the Council. He said that what is at stake here is how we want to express our city. He talked about history of Rye, and spoke against the current athletic signs.

Robin Jovanovich, 65 Rye Road, said that when she was on the BAR, one of their tasks was to make sure there was not over signage in the city. She said that currently, there were too many signs within the right-of-way, and while they all represent important things, she would love to see a reevaluation of the sign situation.

City Manager Usry stated that staff can be prepared with the history of the signage and the quantity for the next meeting.

Mr. Feeney stated that he wanted to make it absolutely plain and clear this is not a contest. He said that the group does not yet have the specs of the proposed signs, but they might be something similar to the ones that have been displayed for 15 years. The issue of the athletic signs is totally independent from the proposed historic welcome signs.

8. Authorization for the City Manager to extend the contract with attorney Joel R. Dichter, Esq. of Dichter Law LLC by an amount of \$10,000 for professional fees and services in order to continue to represent the City in the proceedings before the New York Public Service Commission on the petitions of United Water Westchester to raise rates and possibly merge rates within the United Water New Rochelle district.

Councilman Mecca made a motion, seconded by Councilwoman Tarlow, to adopt the following resolution:

**RESOLVED**, that the Council authorize the City Manager to extend the contract with attorney Joel R. Dichter, Esq. of Dichter Law LLC by an amount of \$10,000 for professional fees and services in order to continue to represent the City in the proceedings before the New York Public Service Commission on the petitions of United Water Westchester to raise rates and possibly merge rates within the United Water New Rochelle district.

**ROLL CALL**

AYES: Councilmembers Goddard, Johnson, Mecca, Souza, Stacks, Tarlow  
NAYS: None  
ABSENT: Mayor Cohn

9. Consider setting a public hearing for March 11, 2020 to amend Chapter 144 “Peddling and Soliciting” to clarify permit requirements and soliciting laws.

Corporation Counsel Wilson explained that Chapter 144 had been on the books for quite some time, and this was an attempt to cure any issues with the right to conduct certain speech, as the City has been contacted by several groups. Amendments are now being considered for the issues of fingerprinting, curfew, and giving preferential treatment to Rye students, which may be unconstitutional.

City Clerk D’Andrea explained that to protect themselves from commercial speech, residents are able to sign up for the Do Not Knock registry on the City website. While this registry cannot constitutionally protect residents from nonprofit or political speech, it can help alert commercial solicitors that they are not welcome to conduct their business at a residence.

Councilwoman Souza made a motion, seconded by Councilwoman Tarlow, to set a public hearing for March 11, 2020 to amend Chapter 144 “Peddling and Soliciting” to clarify permit requirements and soliciting laws.

Councilwoman Souza made a motion, seconded by Councilman Stacks and unanimously carried, to set the public hearing for Chapter 144, “Peddling and Soliciting,” for March 11, 2020.

10. Resolution to transfer \$380,326.48 from the 2019 Operating Budget and Capital Reserve Fund for the City of Rye share of Rye Town Park capital expenditures.  
Roll Call.

City Manager Usry explained that the Council had already authorized \$50,000 from the 2019 Operating Budget for these capital projects. The remaining \$380,326.48 would be coming out of the Capital Reserve Fund. The City expects a large portion of this to be reimbursed from grants, but there is not a time certain for that. Mr. Usry explained that the total amounts to the City's 39.278% share.

Councilwoman Souza commented that lots of thought and diligence had gone into the consideration for specific projects and that she was in support of this.

Councilwoman Souza made a motion, seconded by Councilwoman Johnson, to adopt the following resolution:

**RESOLVED**, that the Council approve the transfer of \$380,326.48 from the 2019 Operating Budget and Capital Reserve Fund for the City of Rye share of Rye Town Park capital expenditures.

**ROLL CALL**

AYES: Councilmembers Goddard, Johnson, Mecca, Souza, Stacks, Tarlow  
NAYS: None  
ABSENT: Mayor Cohn

11. Appointments to Boards and Commissions by the Mayor with Council approval.

There was nothing discussed under this agenda item.

12. Old Business/New Business.

There was nothing discussed under this agenda item.

13. Adjournment.

There being no further business to discuss, Councilwoman Souza made a motion, seconded by Councilwoman Tarlow and unanimously carried, to adjourn the meeting at 9:01 P.M.

Respectfully submitted,

Carolyn D'Andrea  
City Clerk